

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JIM DAWS TRUCKING, LLC,

Plaintiff,

v.

DAWS, INC., JAMES R. DAWS, LANA
R. DAWS, DAWS TRUCKING, INC., and
COLUMBUS TRANSPORTATION &
LOGISTICS, LLC,

Defendants.

CASE NO. 4:24-CV-3177

DECLARATION OF MICHEL
MARLOWE

I, Michel Marlowe hereby declare as follows:

1. I am above the age of 19, and I am competent to testify. I have personal knowledge of all facts set forth herein.

2. I am a commercial truck driver who has driven trucks since January 2019.

3. I have known Jim Daws for 7 months.

4. While I do not know the details, it is my understanding that at some point in 2022, Jim Daws Trucking, LLC took over the operations of Daws Trucking.

5. After Jim Daws Trucking, LLC began operating as Daws Trucking, I worked as an independent contractor of Jim Daws Trucking, LLC. I have been an independent contractor of Jim Daws Trucking, LLC since approximately June 2024.

6. I have never resigned as an independent contractor of Jim Daws Trucking, LLC.

7. I consider myself to currently be an independent contractor of Jim Daws Trucking, LLC.

8. I have been informed that Jim Daws Trucking, LLC served an interrogatory answer in this lawsuit identifying me as an employee who "quit" my employment with Jim Daws Trucking, LLC. That statement is false. I never quit and am willing to continue hauling loads for Jim Daws Trucking, LLC. The only reason I haven't hauled loads for Jim Daws Trucking, LLC is Jim Daws Trucking, LLC has not requested that I do so.

9. After Jim Daws Trucking, LLC took over operations of Daws Trucking, Jim Daws remained involved in the operation of Daws Trucking. With few exceptions, after

Jim Daws Trucking LLC took over the operations of Daws Trucking, Daws Trucking continued to operate the way it always had.

10. Both before and after Jim Daws Trucking, LLC took over the operations of Daws Trucking, and until Jim Daws left employment with Jim Daws Trucking, LLC, Daws Trucking typically assigned loads to me by having a Daws Trucking dispatcher call me assigning a load to me.

11. I was ready, willing, and able to continue working for Jim Daws Trucking, LLC, but my settlements were never reconciled after Jim Daws left Jim Daws Trucking, LLC, and I lost my truck due to no work from Jim Daws Trucking, LLC.,

12. Based on my experience, Jim Daws Trucking, LLC operated a specialty flat-bed hauling company. It only operated flatbed trailers and did not operate dry vans, tankers, or refrigerated (reefer) trailers or any other type of trailer other than flatbeds.

13. I am aware that Jim Daws left employment with Jim Daws Trucking, LLC around the end of September 2024.

14. Before announcing he was leaving employment with Jim Daws Trucking, LLC, neither Jim Daws, nor anyone else, spoke to me about his plans to leave.

15. I never met with Jim Daws on August 23, 2024, behind closed doors or otherwise.

16. At no point has Jim Daws, or anyone on his behalf, ever encouraged me, implied, or requested that I quit working for Jim Daws Trucking, LLC.

17. I am not aware of anyone who Jim Daws has encouraged to quit working for Jim Daws Trucking, LLC.

18. At no time since Jim Daws Trucking, LLC took over operations of Daws Trucking has Jim Daws, or anyone on his behalf, ever asked me to work for any company owned by or affiliated with Jim Daws.

19. I am not aware of any driver who Jim Daws has encouraged to work for any company owned by or affiliated with Jim Daws.

20. I am not aware that since he left employment with Jim Daws Trucking, LLC that Jim Daws is operating any other trucking business.

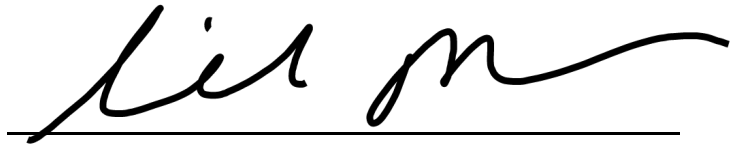
21. Since October, 2024. I have not hauled any load for Jim Daws or any of his affiliated companies and I am not aware of any other driver who has.

22. I am not aware of any situation in which Jim Daws interfered with the customers of Jim Daws Trucking, LLC.

23. When Jim Daws was working at Jim Daws Trucking, LLC, Daws Trucking continued to get new customers and grow the business.

24. I am not aware of any situation in which Jim Daws interfered with the operations of Jim Daws Trucking, LLC. From my experience, after May 2022, things continued to operate as they had before. It was only after Jim Daws left employment with Jim Daws Trucking, LLC that things changed and I no longer received calls from Jim Daws Trucking, LLC or Daws Trucking to haul loads.

25. Since Jim Daws Trucking, LLC is not going to assign loads to me, I have applied to other trucking companies to drive for so I can earn a living. I declare, under penalty of perjury, that the foregoing declaration, executed on the ____ day of _____, 2025, at _____, Nebraska is true and correct.



01/14/25